

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/(797-1101)
Prepared by: Bradley Swing, AICP, Planner II

SUBJECT: Ordinance 1st Reading/Quasi-judicial, ZB 12-5-02 Town of Davie, 4751 SW 30 Street/Generally located on the southeast corner of Florida's Turnpike and I-595.

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-5-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-4 (COUNTY), LIMITED HEAVY INDUSTRIAL DISTRICT TO M-3, PLANNED INDUSTRIAL PARK DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The Town of Davie has requested to rezone the 11.698 acre (509,578 square feet) subject site from M-4, Limited Heavy Industrial District (County) to M-3, Planned Industrial Park District. This request will allow the remaining development of the subject site to be completed in accordance with the development standards of the Town's M-3 district. The requested M-3 District for the subject site is consistent with the intent and policies of the Land Development Code and Comprehensive Plan. Staff notes that because this request is a Town initiated rezoning, the requirement for compliance with Section 12-34(AA) of the Land Development Code, which requires unified control of development and a conceptual master plan will be waived.

PREVIOUS ACTIONS: None

CONCURRENCES: The Planning and Zoning Board recommended denial at its February 12, 2003 meeting (Motion carried 4-0, Mr. Bender was absent).

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Ordinance, Planning Report, Land Use Map, Subject Site, Zoning and Aerial Map, Legal Description

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-5-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-4 (COUNTY), LIMITED HEAVY INDUSTRIAL DISTRICT TO M-3, PLANNED INDUSTRIAL PARK DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from M-4, Limited Heavy Industrial District (County) to M-3, Planned Industrial Park District; and

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from P.U.D. (County), Planned Unit Development District to M-3, Planned Industrial Park District:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof.

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as M-3, Planned Industrial Park District.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2003

PASSED ON SECOND READING THIS _____ DAY OF _____, 2003

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2003

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division Staff
Report and Recommendation

APPLICANT INFORMATION

<u>Agent:</u>		<u>Owner:</u>	
Name:	Town of Davie	Name:	Florida's Turnpike
Address:	6591 Orange Drive	Address:	PO Box 9828
City:	Davie, FL 33314	City:	Fort Lauderdale, FL 33310
Phone:	(954)797-1035	Phone:	

BACKGROUND INFORMATION

Date of Notification: February 5, 2003 **Number of Notifications:** 15

Application Request: Rezone the 509,578 square foot (11.698 acres) subject site **FROM:** M-4, Limited Heavy Industrial District (County), **TO:** M-3, Planned Industrial Park District

Address/Location: 4751 SW 30 Avenue/Generally located on the southeast corner of Florida's Turnpike and I-595

Future Land Use Plan Designation: Industrial

Zoning: M-4, Limited Heavy Industrial District (County)

Proposed Zoning: M-3, Planned Industrial Park District

Existing Use: Vacant Land

Proposed Use: Industrial

Parcel Size: 11.698 acre (509,578 square feet)

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Designation:</u>
North:	Mas Tec/Undeveloped	Industrial
South:	Twin Lakes Travel Park	Industrial
East:	SR 84/I-595/SR 7 interchange	Transportation
West:	Florida's Turnpike	Transportation

Surrounding Zoning:

North: TS, Planned Truck Stop
South: M-4, Limited Heavy Industrial District (County)
East: M-3, General Industrial District (Hacienda Village)
West: M-4, Limited Heavy Industrial District (County)

ZONING HISTORY

Related Zoning History: On December 1, 1999, the Town Council approved Ordinance 99-42, implementing the "Planned Truck Stop District" into the Town of Davie Land Development Code.

Previous Requests on same property: On March 3, 2000, the Town Council approved application ZB 5-1-99 by Ordinance 2000-009 to rezone a 44.5 acre parcel which included the subject site from M-4, Limited Heavy Industrial District (County) to TS, Truck Stop.

On February 7, 2001, the Town Council approved Ordinance 2001-011, a corrective ordinance for ZB 5-1-99 to remove the Spur Road portion of the property.

APPLICATION DETAILS

The Town of Davie has requested to rezone the 509,578 square foot (11.698 acres) subject site from M-4, Limited Heavy Industrial District (County); to M-3, Planned Industrial Park District in order to provide the parcel with a Town of Davie zoning district.

Applicable Codes and Ordinances

Section 12-307 of the Land Development Code, review for rezonings.

Section 12-34(AA) of the Land Development Code, which requires unified control of development and a conceptual master plan for development of land within the M-3, Planned Industrial Park District.

Section 12-54 of the Land Development Code, which establishes standards to regulate the maximum intensities permitted in the Planned Industrial Park District.

Section 12-55 of the Land Development Code, Scale of Nonresidential Development, which is intended to govern the size and scope of development within the Planned Industrial Park District.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 6. Planning Area 6 includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of

University Drive and State Road 84. Commercial flexibility has been applied to lands designated Industrial on Nova Drive.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 58.

Applicable Goals, Objectives & Policies:

Future Land Use Element, Policy 9-1: The Industrial categories shall provide for the development of diversified facilities necessary to promote strong economic and employment bases for the Town.

Future Land Use Element, Policy 9-2: The Town shall endeavor to expand its economic base through expansion of the industrial and manufacturing sectors of its economy.

Future Land Use Element, Policy 9-4: Industrial land uses shall be located with access to primary transportation facilities, particularly interstates, highways, rail corridors, commercial airports, and navigable waterways. Consistent with Policy 9-2, vacant land with such access shall be examined for potential industrial development.

Future Land Use Element, Policy 9-5: Zoning regulations shall address the impacts normally associated with industrial development, such as noise, vibration, air pollution, and solid/hazardous wastes.

Future Land Use Element, Policy 17-2: No property within the Town shall be rezoned to a zoning district that is not in compliance with the Davie Future Land Use Plan.

Staff Analysis

This request is to rezone the subject site from M-4, Limited Heavy Industrial District (County); to M-3, Planned Industrial Park District, a Town of Davie zoning district. The Town of Davie Future Land Use Plan Map designates the parcel "Industrial" and the proposed M-3 District allows for the site to be classified with an industrial zoning district which is intended to implement the "Industrial" classification of the Town's Comprehensive Plan by providing for planned industrial parks which can accommodate light, medium or selected heavier industrial uses in an open, uncrowded and attractive manner through limitations on setbacks and coverage.

Surrounding land uses include undeveloped land to the north, Mas Tec to the northeast, and a trailer park to the south. It is also noted that the subject site is located adjacent to a major transportation corridor consisting of Florida's Turnpike, I-595 and State Road 7.

The subject parcel's land use designation is "Industrial" and as such the proposed M-3 district is an appropriate district for the site.

Staff notes that because this request is a Town initiated rezoning, the requirement for compliance with Section 12-34(AA) of the Land Development Code, which requires unified control of development and a conceptual master plan for development of land within the M-3, Planned Industrial Park District will be waived.

Findings of Fact

Rezoning:

Section 12-307(A)(1):

The following findings of facts apply to the rezoning request:

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The Future Land Use Plan Map designates the parcel as "Industrial". The proposed M-3 District is consistent with surrounding areas land use designation as "Industrial" on the Town of Davie Future Land Use Plan Map.

- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

The M-3 District is intended to be an industrial use and is compatible with the surrounding industrial zoning, land uses and location requirements.

- (c) Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;

The existing M-4 Limited Heavy Industrial District (County) classification is the original zoning of the property. This zoning district is not a Town of Davie zoning classification and is inadequate to provide for the development of the property consistent with the intent of the Town of Davie Comprehensive Plan and Land Development Code.

- (d) The proposed change will not adversely affect living conditions in the neighborhood;

Development of this parcel as M-3, Planned Industrial Park District, will not have adverse impacts on the neighborhood. The surrounding area is zoned "Industrial" and TS, Planned Truck Stop. Future improvement of the undeveloped site may improve the living conditions in the neighborhood by increasing the tax base within the redevelopment area of the Community Redevelopment Agency (CRA) and by providing additional sources of revenue for improving the services in the neighborhood.

- (e) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

The traffic generated by industrial development of the site is what the Future Land Use Plan Map anticipated. Broward County anticipates future traffic counts based on an analysis of the Future Land Use Plan Map. Prior to County approval of plats, if the proposed use poses negative traffic impacts, the developer is required to provide measures to mitigate anticipated impacts.

- (f) The proposed change will not adversely affect other property values;

Surrounding property values will not be adversely impacted by development of this undeveloped site. There is an existing trailer park to the south, vacant land to the north and transportation corridors to the east and west. Rezoning this property will help spur additional industrial development, thereby increasing the tax base in the CRA and providing additional revenues for improving services in the area and creating employment opportunities.

- (g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

Development of the subject site will not deter development or improvement of adjacent parcels. There is a trailer park located to the south, undeveloped land to the north and transportation corridors to the east and west. The rezoning of the subject site will be a catalyst for additional development of the industrial district as presently zoned and for area redevelopment within the CRA.

- (h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

The proposed rezoning of the site to M-3 may help promote development of the site which will provide employment opportunities and generate tax revenues which is in the public interest and general welfare of the Town of Davie.

- (i) There are substantial reasons why the property cannot be used in accord with existing zoning.

The existing zoning of the subject site is not a Town of Davie zoning district, therefore development of the site using the existing county zoning district would not allow the site to be developed according to the Town's Land Development Code.

- (j) The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

Development of the site will ultimately enhance the Town's tax base. The proposed zoning is consistent with the Town of Davie Future Land Use Plan Map designation of industrial for the subject site and is also consistent with the Town's Comprehensive Plan by providing industrial uses adjacent to primary transportation facilities.

Planning and Zoning Board

PLANNING AND ZONING BOARD RECOMMENDATIONS: On February 12, 2003, Ms. Lee made a motion, seconded by Mr. Waitkus, to deny. Motion carried: 4-0 with Mr. Bender being absent.

Staff Recommendation

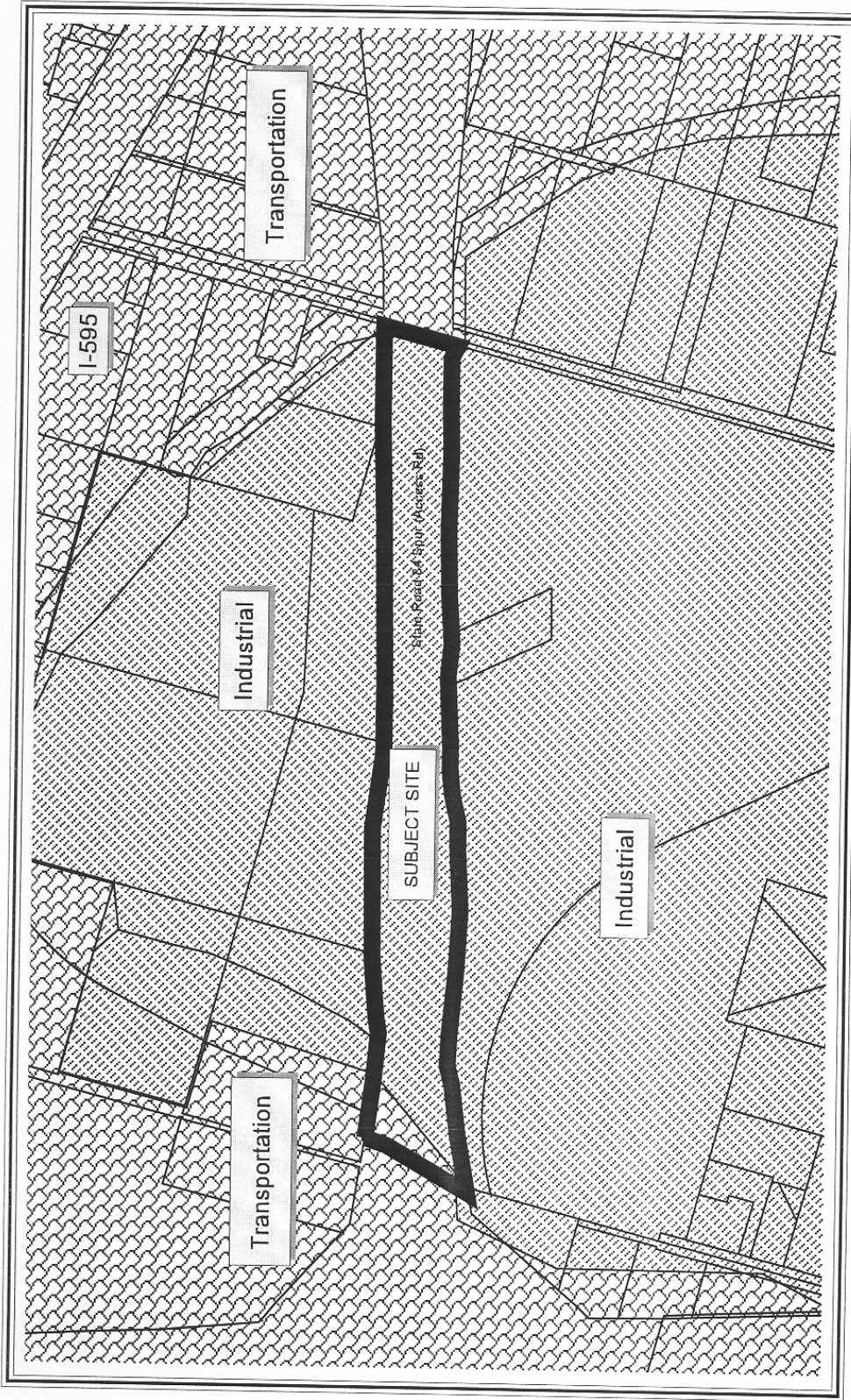
Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Prepared by: _____

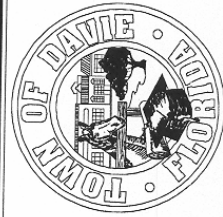
Reviewed by: _____

Exhibits

1. Future Land Use Map
2. Subject Site, Zoning and Aerial Map
3. Legal Description

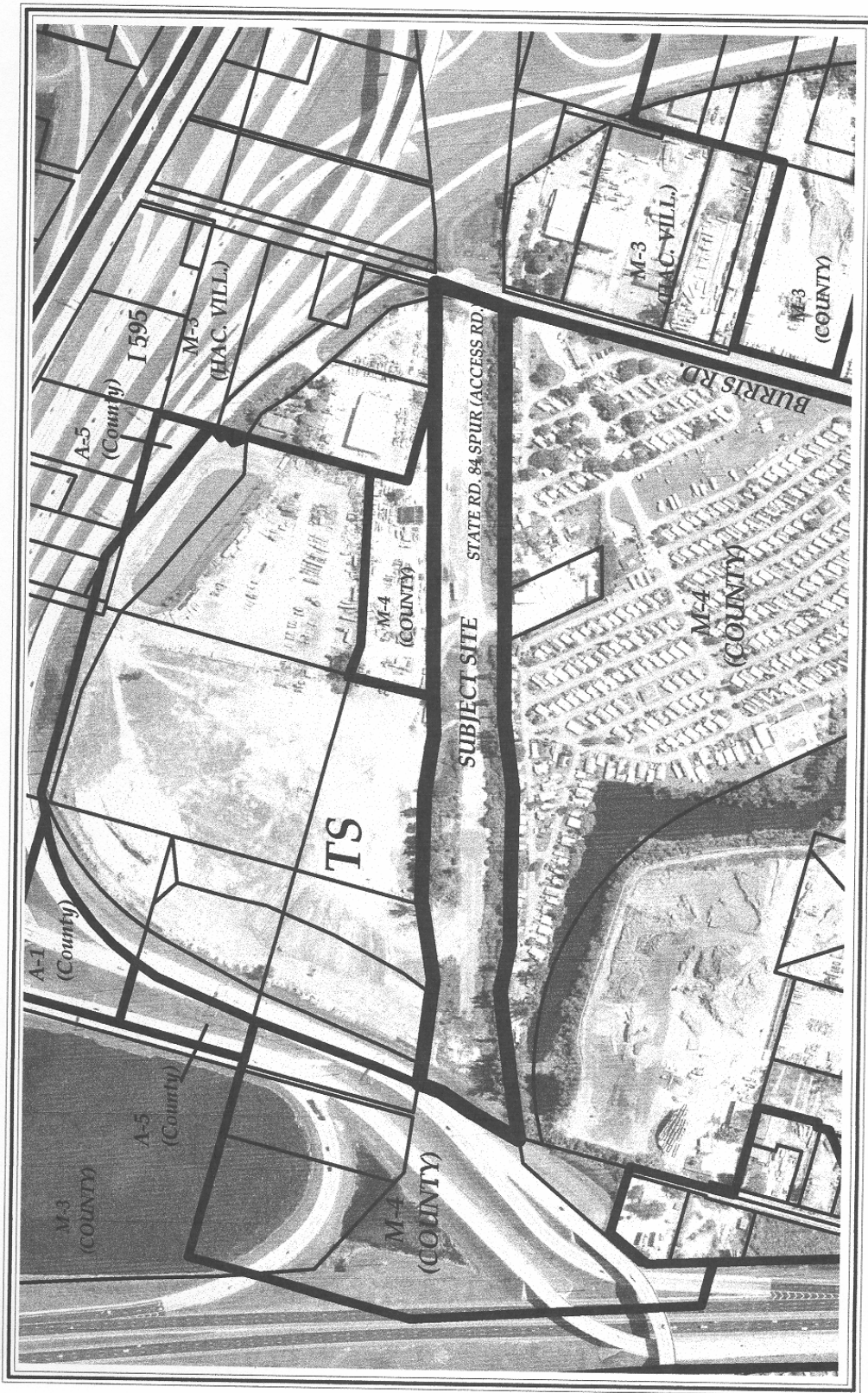


Planning & Zoning Division - GIS



REZONING **ZB 2-1-03** **Future Land Use Map**

Date Prepared: 2/6/03
 Prepared By: ILD



400 0 400 Feet

Planning & Zoning Division - GIS

Rezoning
ZB 12-5-02

Subject Site and Aerial Map

Date Flown: 12/31/01

SURVEY NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. BEARINGS SHOWN HEREON ARE RELATIVE TO THE PLAT OF "THE FOUNDATION PLAT" (PLAT BOOK 158, PAGE 36, BROWARD COUNTY RECORDS), WITH A REFERENCE BEARING OF SOUTH 87° 37' 48" EAST ALONG THE NORTH LINE OF TRACT "D".
4. THE "LAND DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR.
5. THIS SKETCH IS NOT A BOUNDARY SURVEY AS SUCH.

LAND DESCRIPTION

A PORTION OF "FERNCREST RIDGE" PLAT BOOK 49, PAGE 29, BROWARD COUNTY RECORDS AND A PORTION OF TRACT 3, TIER 13 AND A PORTION OF TRACT 2, TIER 7, "NEWMANS SURVEY" PLAT BOOK 2, PAGE 26, MIAMI DADE COUNTY RECORDS AND A PORTION OF SUNSHINE STATE PARKWAY (STATE ROAD 84 SPUR), FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 97860-2324 BROWARD COUNTY, FLORIDA AND A PORTION OF FLORIDA TURNPIKE/INTERSTATE 595 (I-595), FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 86095-2403, BROWARD COUNTY, FLORIDA, SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID "FERNCREST RIDGE" PLAT SAID POINT ALSO BEING ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID STATE ROAD 84 SPUR; THENCE NORTH 89°30'15" EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 295.52 FEET TO THE SOUTHEAST CORNER OF TRACT "D" OF "THE FOUNDATION PLAT" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 158, PAGE 36, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE CONTINUE NORTH 89°30'15" EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 296.78 FEET; THENCE SOUTH 14°53'13" WEST, 240.24 FEET TO A POINT ON THE EAST LINE OF SAID "THE FOUNDATION PLAT", SAID POINT ALSO BEING A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25.00 FEET, (A RADIAL BEARING TO SAID POINT BEARS SOUTH 75°06'47" EAST); THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 105°23'13", AN ARC DISTANCE OF 45.98 FEET; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID STATE ROAD 84 SPUR THE FOLLOWING SEVEN (7) COURSES: (1) THENCE SOUTH 89°30'15" WEST, 1205.19 FEET; (2) THENCE SOUTH 82°22'49" WEST, 201.59 FEET; (3) THENCE SOUTH 89°30'15" WEST, 300.05 FEET; (4) THENCE NORTH 85°43'59" WEST, 301.09 FEET; (5) THENCE SOUTH 89°32'03" WEST, 93.85 FEET; (6) THENCE SOUTH 79°56'43" WEST, 103.55 FEET; (7) THENCE SOUTH 80°00'56" WEST, 232.10 FEET; THENCE NORTH 39°57'13" EAST, DEPARTING SAID SOUTH RIGHT-OF-WAY LINE 55.35 FEET; THENCE NORTH 40°47'56" EAST, 216.14 FEET; THENCE NORTH 24°40'10" EAST, 86.97 FEET; THENCE NORTH 24°40'10" EAST, 121.31 FEET; THENCE NORTH 23°11'03" EAST, 381.25 FEET; THENCE NORTH 28°15'46" EAST, 315.17 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 799.03 FEET, (A RADIAL BEARING TO SAID POINT BEARS NORTH 61°44'14" WEST); THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 43°04'34", AN ARC DISTANCE OF 600.73 FEET; THENCE SOUTH 75°16'34" EAST, 725.00 FEET TO A POINT LYING ALONG THE SOUTH LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID INTERSTATE 595 (I-595), SAID POINT ALSO BEING A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 5716.08 FEET, (A RADIAL BEARING TO SAID POINT BEARS NORTH 33°31'55" EAST); THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°52'25", AN ARC DISTANCE OF 486.21 FEET; THENCE SOUTH 39°19'40" WEST, DEPARTING SAID SOUTH LIMITED ACCESS RIGHT-OF-WAY LINE, 35.02 FEET; THENCE SOUTH 16°31'22" EAST, 10.90 FEET; THENCE SOUTH 33°09'22" WEST, 36.38 FEET; THENCE SOUTH 07°19'05" EAST, 34.88 FEET; THENCE SOUTH 14°50'12" WEST, 10.83 FEET TO A POINT LYING ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID INTERSTATE 595 (I-595); THENCE SOUTH 14°50'12" WEST, 365.55 FEET TO THE NORTHERLY MOST NORTHEAST CORNER OF SAID TRACT "D" OF "THE FOUNDATION PLAT"; THENCE NORTH 87°37'48" WEST, ALONG THE NORTH LINE OF SAID TRACT "D", 532.98 FEET; THENCE CONTINUE NORTH 75°10'10" WEST, ALONG THE NORTH LINE OF SAID TRACT "D", 79.86 FEET TO THE NORTHWEST CORNER OF SAID TRACT "D"; THENCE SOUTH 14°51'02" WEST, ALONG THE NORTH LINE OF SAID TRACT "D", 250.02 FEET TO THE SOUTHWEST CORNER OF SAID TRACT "D"; SAID POINT ALSO BEING ALONG THE SOUTH LINE OF SAID "FERNCREST RIDGE"; THENCE NORTH 89°30'15" EAST, 622.49 FEET TO THE POINT OF BEGINNING.

LESS THEREFROM:

PUBLIC RIGHT OF WAY FOR SUNSHINE STATE PARKWAY (STATE ROAD 84 SPUR) AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, SECTION 97860-2324.

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS DEPICTED TO THE BEST OF MY KNOWLEDGE, BELIEF, AND INFORMATION AS DELINEATED UNDER MY DIRECTION ON MAY 04, 1999. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

KEITH AND SCHNARS, P.A.
ENGINEERS - PLANNERS - SURVEYORS

BY: ROBERT K. KRISAK, P.S.M.
FLORIDA REGISTRATION NO. 4641

SKETCH OF DESCRIPTION

A PORTION OF "FERNCREST RIDGE" (P.B. 49, PG. 29, B.C.R.) AND A PORTION OF TRACT 3, TIER 13, "NEWMANS SURVEY" (P.B. 2, PG. 26, M.D.C.R.) AND A PORTION OF SUNSHINE STATE PARKWAY (STATE ROAD 84 SPUR) F.D.O.T. R/W MAP SECTION 97860-2324 BROWARD COUNTY, FLORIDA

DATE 5/03/99

SCALE 1" = 300'

FIELD BK. N.A.

DWG. BY K.W.D.

CHK. BY R.K.X.

DATE REVISIONS

1/2/00 LESS SR 84



KEITH and SCHNARS, P.A.
ENGINEERS - PLANNERS - SURVEYORS
6500 N. WOODS AVE., FL. LAUDERDALE, FL. 33309-212 (954) 716-666

SHEET NO. 1 OF 3 SHEETS

DRAWING NO. 15135L-

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